

REMARKS

Interview Summary

Applicant thanks the Examiner and S.P.E. for a courteous and useful interview. In it Applicant made the points outlined below. It was agreed that paragraph 55 and Figure 6 of the Karasawa reference teach changing a PAT number that is the same, while the structure recited in the pending claims does the opposite. The examiner and applicant agreed that the Karasawa reference should be otherwise reviewed for consistency with the disclosure of paragraph 55 and Figure 6 and that other searching should be pursued to the extent deemed necessary by the examiner.

Remarks on § 103 Rejection of Pending Claims

The recent KSR v. Teleflex case expressly endorses teaching away as a proper rebuttal of an obviousness rejection, and as grounds for allowance of claims. Moreover, the KSR decision did nothing to modify the traditional, common sense rule that a proper *prima facie* case of obviousness must suggest a combination that will work and would be enabled for the invention as claimed.

The Karasawa reference teaches away from the present claims. The combination of Karasawa and Wilson relied upon to support the obviousness rejection of the present claims would not be enabled and would not work to achieve the functionality of the present invention as claimed.

Not only does Karasawa teach away, it teaches the exact opposite of what is claimed. In the present claims, if the program numbers in an incoming “current PAT” and the program numbers in the “stored format table” are not the same, then the program

numbers are changed, *see* claim 4, the last two limitations. If they are the same, they are unchanged. Karasawa teaches the opposite. Karasawa changes numbers that are the same (assuming for the sake of argument that “memory” as claimed reads on retention in a buffer as described in Karasawa). “If [the incoming program map PID] coincides with[a program map in a buffer], the flow advances to step 211 … in step 211, the controller adds one to “program map PID” extracted from the second transport stream.”

See Karasawa paragraphs 52 and 55.

In the current claims, if the program numbers are the same, they are not changed and if they are different, they are changed, to be the same in the output. In the Karasawa prior art reference, if the program numbers are the same, they are changed and output with different numbers and if they are different, they are not changed, in order to send an output without conflicting numbers. This only stands to reason, since the Karasawa reference is performing a completely different function than the function of the present invention. The Karasawa reference is a multiplexer that formats an output broadcast data stream. The claimed invention is part of a demultiplexer at a cable network receiver that is used to receive Karasawa type transmissions and to reformat forwarded data streams. The express holding of KSR v. Teleflex is that if claimed elements perform the same function as elements found in the prior art, then their use in the present claims must be obvious. KSR therefore holds that if the functions performed by the elements of the invention and the elements of the prior art are the opposite, then the present invention as claimed must be non-obvious.

Accordingly, both the Wilson and Karasawa references teach nothing more than precisely the prior art that generates the problem that the present technology was invented

to overcome; both the references change program numbers without notification to the receivers and both require an old, problematic manual response at the receiving end.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted



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